

CHAPTER VI.

An Act to incorporate the Town of South Bend.

SECTION 1. Boundaries.

2. First officers of Town.
3. First election under the incorporation.
4. Corporate powers of the Town Council.
5. Duties of the President.
6. Vacancies in Council how filled.
7. Powers of Town Council.
8. Books and papers to be given up to successors in office.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That so much land as is contained within the original Town of South Bend according to a survey and plat of said town for the proprietors of said town, and situated in the County of Blue Earth and State of Minnesota, as appears by the recorded plat of the same in the office of the Register of Deeds of Blue Earth County, be and the same is hereby created a town corporate. Boundary

SEC. 2. That, for the good order and improvement of said town, Wm. R. Price is hereby appointed President: C. Whitford, Dr. Havens and J. Bernard be, and are hereby appointed Trustees, and P. F. Eckstome is hereby appointed Secretary,—which said President, Trustees and Secretary shall constitute the Council of said town, and shall hold their offices until their successors be elected and qualified. Trustees

SEC. 3. The male inhabitants of said town being qualified voters may, at any election of State and County officers, elect successors to the aforesaid Council, who shall enter upon the duties of their offices upon the first Wednesday of January next after such election, and shall, before entering upon the duties of their office, take an oath to support the Constitution of the United States and also an oath of office. First election

SEC. 4. The President, Trustees and Secretary of said town shall be and are hereby created a body corporate and politic, with perpetual succession, to be known by the name and title of the Town of South Bend: and shall be capable in law, by the corporate name aforesaid, to acquire, hold and convey property, real and personal, for the use of said town. They may have a common seal, and may alter and renew the same at pleasure: may sue and be sued, plead and be impleaded, defend and be defended in all the courts of law and equity; and when any suit shall be commenced against said town the first process shall be served by leaving an attested copy thereof with the Secretary at his usual place of residence, at least twenty days previous to the return-day of such Corporate powers

process. The officers of said town shall have a right of action against all trespassers on the property of said town; and any person trespassing upon any lands within the limits of said town, or occupying such lands without a conveyance from the proprietors of said town or their trustees, agents or assigns, shall forfeit all improvements he may make on such lands and shall be liable to pay damages to twice the amount of actual injustice done to said lands.

President . Sec. 5. The President, and, in his absence, the Secretary, shall attend all meetings of said Council and make a fair and accurate record of their proceedings and of the by-laws, rules and ordinances made or passed by said Council, and the same shall be open for inspection of the electors of said town.

Vacancies Sec. 6. The said Town Council shall have power to fill all vacancies which may occur in said Board from the householders of said town, who shall hold their appointment until their successors are elected and qualified; and in the absence of the President and Secretary from any meeting of the Town Council the Trustees shall have power to appoint any two of their number to perform the duties of President and Secretary for the time being.

Powers of council Sec. 7. The Town Council shall have power to make, ordain and establish by-laws and ordinances for the government of said town: *Provided*, That no such by-laws and ordinances shall conflict with the laws of the United States or of this State; and to fix reasonable fines and penalties for the violation of such by-laws and ordinances;—to provide for the election of a Treasurer and Marshal and suitable subordinate officers of said town, and to fix the compensation of said officers; to regulate and improve the levees, piers, streets and alleys: determine the width of sidewalks; to regulate the public grounds; to remove all nuisances and obstructions from the streets and public grounds of said town, and to do all things which similar corporations have power to do in order to provide for the health, security and good order of said town.

Sec. 8. The Secretary, President and other officers of said town shall, on demand, deliver to their successors in office all books, papers and other property belonging to said town.

Books and papers

Sec. 9. This act shall take effect from and after its passage.

GEORGE BRADLEY,

Speaker of the House of Representatives.

RICHARD G. MURPHY,

President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, }
ST. PAUL, March 20, 1858. }

I hereby certify the foregoing to be a correct copy of the original bill now on file in this office.

CHAS. L. CHASE, Secretary.